

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SHAWN BOYKIN,)	Case No. CV 08-4451 ABC(JC)
Petitioner,)	(PROPOSED)
v.)	ORDER ADOPTING FINDINGS,
JAMES D. HARTLEY, Warden,)	CONCLUSIONS, AND
Respondent.)	RECOMMENDATIONS OF
)	UNITED STATES MAGISTRATE
)	JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody (the “Petition”), and all of the records herein, including respondent’s Motion to Dismiss the Petition (“Motion to Dismiss”), petitioner’s Response to the Motion to Dismiss, respondent’s Reply, the attached Report and Recommendation of United States Magistrate Judge (“Report and Recommendation”), and petitioner’s objections to the Report and Recommendation (“Objections”). The Court has further made a *de novo* determination of those portions of the Report and Recommendation to which objection is made. The Court concurs with and adopts the findings, conclusions, and recommendations of the United States Magistrate Judge and overrules the Objections.

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1 IT IS ORDERED that Judgment be entered granting the Motion to Dismiss
2 and dismissing this action with prejudice.

3 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the
4 Report and Recommendation, and the Judgment herein on counsel for petitioner
5 and respondent.

6 LET JUDGMENT BE ENTERED ACCORDINGLY.

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8 DATED: June 17, 2009

Audrey B. Collins

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12 HONORABLE AUDREY B. COLLINS
13 CHIEF UNITED STATES DISTRICT JUDGE
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